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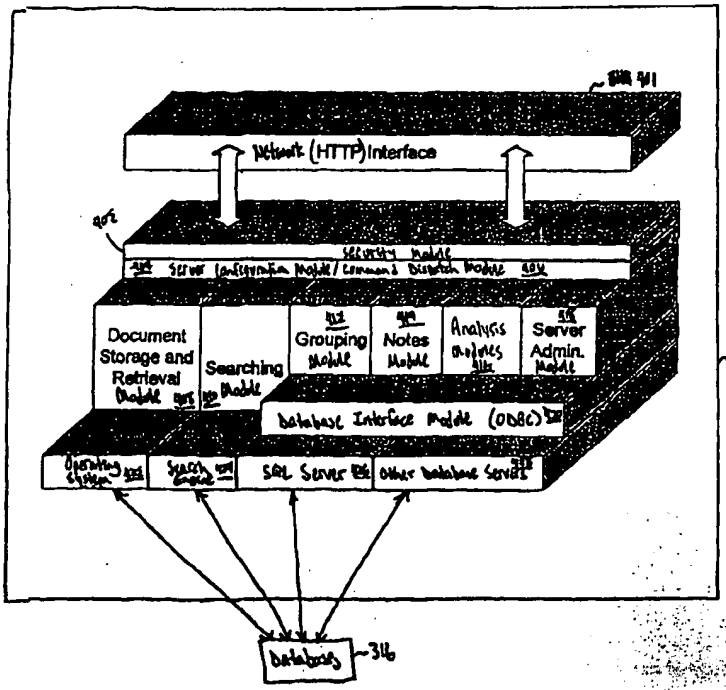
(54) Title: SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR MANAGING AND ANALYZING INTELLECTUAL PROPERTY (IP) RELATED TRANSACTIONS

(57) Abstract

A system, method, and computer program product to track, analyze, and report on information related to intellectual property (IP) transactions, including license and related agreements, includes an enterprise server (214), network (212), network clients (206A-C), and databases (216), as well as a web server (210) and web clients (204A-B). The enterprise server (214) includes a network interface (301), a security module (302), a database interface module (320), and various user interface modules such as an Administrator module (318), document storage and retrieval module (308), and Analysis modules (316).



System, Method, and Computer Program Product for Managing and Analyzing Intellectual Property (IP) Related Transactions

Background of the Invention

Field of the Invention

The present invention is generally related to tools for data processing, and more particularly related to tools for patent-centric and group-oriented data processing. The tools include modules to track and process IP related transactions, such as license agreements.

Related Art

Patents are becoming more and more important to a business's success, especially in today's global economy. Patents can be viewed as a new type of currency in this global economy because they grant the holder with a right to exclude others from making, using, or selling the patented technology. In some industries, product turnover is fairly rapid. However, core technology, product features, and markets change at a much slower rate. Accordingly, even in fast-moving industries, patents which cover core technology are very valuable at protecting a company's research and development investment for an extended period of time.

Patents are also valuable as revenue generators. In 1993, for example, the revenue generated from patents by U.S. companies was over $60 billion. Fred Warshofsky, *The Patent Wars*, John Wiley & Sons, Inc., New York, 1994. These patent revenue dollars are rising each year.

Patents are further valuable because they collectively represent a vast technological database. Much of this database is only available as issued patents (i.e., it is not released in any other form). According to Larry Kahaner's book,

Summary of the Invention

Briefly stated, the present invention includes a system, method, and computer program product to track, analyze, and report on information related to intellectual property (IP) transactions, including license and related agreements.

Further features and advantages of the invention, as well as the structure and operation of various embodiments of the invention, are described in detail below with reference to the accompanying drawings. In the drawings, like reference numbers generally indicate identical, functionally similar, and/or structurally similar elements. The drawing in which an element first appears is indicated by the leftmost digit(s) in the corresponding reference number.

Brief Description of the Figures

The present invention will be described with reference to the accompanying drawings, wherein:

FIG. 1 illustrates the document-centric and patent-centric operation of the present invention;

FIG. 2 is a block diagram of a system according to a preferred embodiment of the present invention;

FIG. 3 is a block diagram of an enterprise server according to a preferred embodiment of the present invention;

FIG. 4 is a block diagram of the databases of the present invention;

FIG. 5 is a block diagram of a network client (and potentially a web client) according to an embodiment of the invention;

FIG. 6 is a block diagram of the analysis modules which form a part of the enterprise server of FIG. 3;

tabular or "spreadsheet" format. The list of notes in the notes pane 908 includes information that identifies the type of the note (that is, either a patent/document note or a group note), and the title of the note. All other bibliographic or other information relating to notes can be viewed by manipulating the horizontal scroll bar 922 in order to sideways scroll in the notes pane 908.

Licensing Module

As shown in FIG. 11A, an embodiment of the invention includes a licensing module 1102 (also herein called the licensing system 1102). The licensing module 1102 is also referred to herein as the SmartPatents Prism™ system.

Customers use the licensing module 1102 to manage their intellectual property (IP) assets for maximal value through the creative use of licensing. The licensing module 1102 provides the tools a licensor needs to manage its licensing effectively through tracking a variety of objects, including but not limited to out-licenses (i.e., licenses where the corporate entity is the licensor), in-licenses (i.e., licenses where the corporate entity is the licensee), licensing parties (i.e., any parties involved with a license agreement, such as the licensee(s), the licensor(s), license agents, license organizations, attorneys, etc.), royalty statements, royalty payments, etc.

Customers also use the licensing system 1102 to better understand how they are making strategic use of their IP assets and to audit the licensees' contribution to the value of those assets.

As shown in FIG. 12, in an embodiment of the invention the licensing module 1102 is a standalone system, existing and operating independently of the enterprise server 214 and the enterprise databases 216. In this standalone configuration 1201, the licensing module 1102 does not access data in enterprise/IPAM database 216. Instead, the licensing module 1102 utilizes data

in its own databases, i.e., a licensing database 1204 and a core database 1208, among potentially others. These databases are described in detail below. (The invention is not limited to the arrangement of data described herein. In other embodiments, the data and attributes described herein are stored in combinations of databases and tables other than that described herein.)

As shown in FIG. 13, in another embodiment, the licensing module 1102 interacts with the enterprise server 214 and/or the enterprise databases 216, such that users of the licensing module 1102 may access and utilize groups and/or IP assets, as well as other information, stored in the enterprise databases 216, and/or may interact with the enterprise server 214 to further manage groups of IP assets and/or other objects that are being tracked through the licensing module 1102.

According to some embodiments of the invention, the enterprise server 214 is herein also sometimes referred to as the Intellectual Property Asset Manager™ (IPAM™) server 214.

The database architecture associated with the licensing module 1102 includes a number of databases. As noted above, the standalone embodiment of the licensing module 1102 (shown in FIG. 12) includes a Licensing database 1204 and a Core database 1208.

The IPAM-integrated embodiment of the licensing module 1102 (shown in FIG. 13) includes the Licensing database 1204. The Core database 1208 is substantially or completely replaced with the enterprise database 216 (also called the IPAM database 216). The Core database 1208 contains standalone versions of all of or at least a subset of the tables included in the IPAM Server database 216. Accordingly, when the IPAM database 216 is available, there is little or no need for the core database 1208.

In an embodiment, the licensing module 1102 is implemented as a two-tier client/server model. In an alternate embodiment, the licensing module 1102 is implemented as a three-tier model using standard middleware technology such as CORBA or COM along with technologies compatible with them, including the

appropriate security manager for the application server middleware layer. The invention is not limited to these embodiments. The architecture preferably provides a thin-client C++ component, a secure application domain server, and a secure database server (such as a SQL Server), linking the latter two components with ODBC for maximal portability. The user interface and object model are tightly integrated and use well known component technologies such as ActiveX and DAO. In an embodiment, security relies on defining SQL Server database users with passwords and appropriate privileges on the database objects.

An example thread of operation of the licensing module 1102 shall now be generally described. At initial set up of the licensing module 1102, and periodically thereafter (or as the circumstances dictate), a License Administrator and a System Administrator must perform various set up tasks, such as entering territories, fields of use, and currency conversion intervals.

After initial set up, the customer enters IP business related information, such as but not limited to existing license agreements, new license agreements, and/or related objects, such as but not limited to assets, asset packages, contacts, compensation terms, and so on. Specifically, in an embodiment, the Data Entry Clerk enters assets, and the License Administrator creates asset packages to package assets for licensing. The Data Entry Clerk enters contacts by entering organizations, people, and contact methods. Then the Data Entry Clerk enters the license information. At that point, the License Administrator takes over to modify the license agreement with more complex data that requires an understanding of licensing.

As data grows, the License Administrator begins querying the system interactively in response to questions and issues that arise. He or she will also start generating reports. At some point, an auditor or other interested party will also query and generate reports. The License Administrator then may need to do some maintenance on the agreements, accompanied by occasional maintenance

by the IPAM Administrator on objects that require Administrator privileges to remove.

As time goes on, licensees submit royalty statements and payments. The Data Entry Clerk enters these. The License Administrator then allocates the payments to expected revenue and to royalty statement details. This linking enables the Licensing module 1102 to generate meaningful revenue reports.

More generally, the licensing module 1102 enables users to manage, track, interact with, process, analyze, etc., intellectual property (IP) related transactions. In a preferred embodiment, such IP related transactions include the licensing of IP assets, and the management, tracking, interaction with, processing, analysis, etc., of such licensing activities using license agreements, asset packages, royalty statements, payments, etc. However, the invention is not limited to this embodiment. Instead, the invention is intended and adapted to cover the management, tracking, interaction with, processing, analysis, etc., of IP related transactions using any object, vehicles, data, etc., in accordance with the scope and spirit of the functions described herein.

The Licensing module 1102 includes a number of features, including but not limited to the following:

° Import/Export: Support for loading various kinds of objects into the Licensing databases from flat files in a standard format to reduce the need for extensive data entry (or, worse, reentry).

° Strategic analysis: Features that help license administrators and marketers to understand the strategic implications of licensing their intellectual property. This includes offering a database of SEC 10K filings of "material" license agreements on which you can search to determine the range of royalty terms and the strategic issues that arise in a specific industry.

° Market opportunity tracking: Tracking of sales opportunities related to contacts, including inquiries, targeted potential customers, and infringement tracking.

° Marketing Communications and Sales support: Support for customer inquiries, IP marketing brochure querying, and e-commerce sales support.

° Asset types: Support for more asset types, particularly in the arena of Know How. In an embodiment, Know How is a class with various kinds. In alternate embodiments, subclasses are created for the broad areas within Know How such as Technical Data, Technical Assistance, Process, Software, and other such categories with specific attributes.

° Electronic Data Interfacing: support for the ability to transfer royalty statements and payments from licensee to licensor automatically through the Internet or other communications media to improve compliance, simplify auditing, and reduce data entry requirements.

° Licensing In: Extensive support for the licensee, including royalty statement generation, payment due flagging, and sublicense tracking.

° Compliance workflow: Support for the contract administrator in monitoring the compliance of agreement parties to the terms and conditions of the license agreement, such as generating royalty invoices, checking revenue numbers, and detailed representation of contract clauses and their compliance requirements

° Sublicense tracking: The ability to track sublicensing of a license agreement for better royalty tracking and control and contract compliance.

° Contract development workflow: Support for user-defined templates for license agreements and generation of standard agreements with designated clauses.

° International licensing support: support for various issues that arise with international licenses, including support for offset licensing ("counter trade" or "industrial participation" licensing) and the various registration requirements for copyrights, trademarks, and patents in foreign countries and the

import/export requirements of foreign governments that impact royalty and fee payments.

° Custom report integration: the ability to integrate custom reports into the Reports View and run them along with standard reports. This includes integration of a complete report writer into the Licensing module 1102.

° Administrative audit trails: support for object version auditing through recording the user and timestamp for each change to the persistent data.

° Help Desk support: Extensive support for internal customers of the system getting answers to basic questions through query facilities in the Licensing module 1102, ranging from a simple frequently-asked-question style to the ability to query information about licenses, royalty statements, and payments.

° Valuation: Support for alternative methods of valuing a license and its licensed assets.

The licensing module 1102 is described in greater detail in the following sections.

User Roles

Generally, the licensing module 1102 involves a number of user roles, including but not limited to the following. The invention is not limited to these functions being performed by the people specified below. In other embodiments, other people in other user roles can perform the following functions.

° The Data Entry Clerk: a user who enters basic data about contacts, licenses, royalty statements, and license payments. Generally, a Data Entry Clerk does not require much knowledge about licensing or intellectual property.

° The License Administrator: a user who enters more complex information about licenses, royalty statements, and payments and who works with executives, corporate counsels, licensees, and others to provide information about the licenses and revenue in the IPAM system 1102. Generally, a License

What Is Claimed Is:

1. A computer based method of managing intellectual property (IP) related transactions, comprising the steps of:

(1) accessing a database comprising information representative of at least one IP asset;

(2) accessing a database comprising information representative of at least one IP asset package each comprising one or more of said at least one IP asset;

(3) accessing a database comprising information representative of at least one license agreement each associated with one or more of said at least one IP asset package; and

(4) enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one IP asset package, and (c) said at least one license agreement.

2. The method of claim 1, further comprising the steps of:

(5) accessing a database comprising information representative of at least one royalty statement each associated with one or more of said at least one license agreement;

(6) accessing a database comprising information representative of at least one payment each associated with one or more of said at least one license agreement; and

(7) enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one IP asset package, (c) said at least one license agreement, (d) said at least one royalty statement, and (e) said at least one payment.

3. The method of claim 1, further comprising the step of:

(8) accessing a database comprising information representative of entities and entity roles;

wherein said at least one license agreement specifies one or more of said entities as parties to said at least one license agreement.

4. The method of claim 1, wherein said at least one IP asset comprises at least one of: (a) a patent asset, (b) a copyright asset, (c) a trade mark asset, (d) a trade secret asset, and (e) a know how asset.

5. The method of claim 1, wherein said at least one IP asset package comprises at least one of: (a) a standard IP asset package, (b) a group IP asset package, and (c) a descriptive IP asset package.

6. The method of claim 5, wherein said standard IP asset package comprises any user selected combination of said at least one IP asset.

7. The method of claim 5, wherein said group IP asset package is associated with a group, said group IP asset package comprising any assets in said group.

8. The method of claim 7, wherein said group includes one or more patents, and wherein said group IP asset package comprises said one or more patents.

9. The method of claim 5, wherein said descriptive IP asset package is associated with a description, and wherein said descriptive IP asset package comprises assets satisfying said description.

10. The method of claim 1, wherein said at least one IP asset package comprises a revenue allocation percentage for each of said at least one IP asset in said at least one IP asset package.

11. The method of claim 1, wherein said at least one license agreement comprises one or more user specified compensation terms.

12. The method of claim 11, wherein said at least one license agreement further comprises information pertaining to expected revenue of said at least one license agreement.

13. The method of claim 12, wherein said expected revenue is automatically calculated for said one or more user specified compensation terms.

14. The method of claim 2, wherein said at least one royalty statement comprises information pertaining to one or more royalty statement details, wherein each of said one or more royalty statement details corresponds to a product and comprises information indicative of a number of units of the product sold during a period of said at least one royalty statement, revenue generated by the sales, and royalty due.

15. The method of claim 2, wherein said at least one payment is allocated to one or more terms of said at least one license agreement.

16. The method of claim 2, wherein said at least one payment is allocated to one or more details of one or more royalty statements associated with said at least one license agreement.

17. The method of claim 2, wherein step (4) comprises the steps of:

(i) comparing any payment amounts allocated to said at least one license agreement to any expected revenue amounts of said at least one license agreement; and

(ii) generating a payment exception report based on results of step (i).

18. The method of claim 2, wherein step (4) comprises the step of:

(i) generating an IP asset report listing any license agreements involving said at least one IP asset package, wherein the IP asset report includes information indicative of any payment amounts allocated to said at least one IP asset package, and any expected revenue of said at least one IP asset package.

19. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a licensee profile report comprising information indicative of total allocated payments and total expected revenue for each of said at least one license agreement.

20. The method of claim 2, wherein step (4) comprises the step of:

(i) generating an agreement summary report comprising information indicative of at least contact information and compensation terms of said at least one license agreement.

21. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a licensee asset package summary report comprising information indicative of any asset packages and any IP assets licensed to each licensee.

22. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a payment allocation report comprising information indicative of any payments associated with said at least one license agreement, and allocation of said any payments to terms of said at least one license agreement.

23. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a royalty statement summary report comprising information indicative of any royalty statements, and details of said any royalty statements, associated with said at least one license agreement.

24. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a historical royalties report listing any license agreements that license an IP asset, and comprising information indicative of royalties earned for said IP asset per license agreement.

25. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a summary of IP report comprising information indicative of overall licensing revenue of an IP asset.

26. The method of claim 2, wherein step (4) comprises the step of:

(i) generating an IP license summary report that provides a summary of license agreements for each licensee.

27. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a royalty expense allocation report that tracks royalty earnings posted in a general ledger but not yet verified.

28. The method of claim 2, wherein step (4) comprises the step of:

(i) generating a licensee historical earned royalty report comprising information indicative of Guaranteed Minimum, Actual Payment, Expensed payment, and Term Required totals for said at least one license agreement.

29. The method of claim 2, wherein step (4) comprises the step of:

(i) generating an IP historical earned royalty group comprising information indicative of G/L total and Expensed total for an IP Asset.

30. The method of claim 2, wherein step (4) comprises the step of:

(i) generating an Overdue Payment report comprising information indicative of Statement Received dates, Term total by due date, and Payment total by payment date.

31. The method of claim 1, wherein said at least one license agreement comprises one or more terms related to at least one of territorial restrictions and field-of-use restrictions.

32. The method of claim 11, wherein said one or more user specified compensation terms comprises one or more of an ongoing royalty per unit term, royalty per sales term, minimum guarantee term, advance term, ongoing fee term, and lump sum fee term.

33. The method of claim 11, wherein said one or more user specified compensation terms comprises at least one term that includes a recurring payment.

34. A computer based method of managing intellectual property (IP) related transactions, comprising the steps of:

(1) accessing a database comprising information representative of at least one IP asset;

(2) accessing a database comprising information representative of at least one license agreement each associated with one or more of said at least one IP asset; and

(3) enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, and (b) said at least one license agreement.

35. The method of claim 34, further comprising the steps of:

(4) accessing a database comprising information representative of at least one royalty statement each associated with one or more of said at least one license agreement;

(5) accessing a database comprising information representative of at least one payment each associated with one or more of said at least one license agreement; and

(6) enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one license agreement; (c) said at least one royalty statement; and (d) at least one payment.

36. A system for managing intellectual property (IP) related transactions, comprising:

means for accessing a database comprising information representative of at least one IP asset;

means for accessing a database comprising information representative of at least one license agreement each associated with one or more of said at least one IP asset; and

means for enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, and (b) said at least one license agreement.

37. The system of claim 36, further comprising:

means for accessing a database comprising information representative of at least one royalty statement each associated with one or more of said at least one license agreement;

means for accessing a database comprising information representative of at least one payment each associated with one or more of said at least one license agreement; and

means for enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one license agreement; (c) said at least one royalty statement; and (d) at least one payment.

38. A computer program product comprising control logic stored in a computer useable medium, said control logic comprising:

means for enabling a computer to access a database comprising information representative of at least one IP asset;

means for enabling a computer to access a database comprising information representative of at least one license agreement each associated with one or more of said at least one IP asset; and

means for enabling a computer to enable processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, and (b) said at least one license agreement.

39. The computer program product of claim 38, wherein said control logic further comprises:

means for enabling a computer to access a database comprising information representative of at least one royalty statement each associated with one or more of said at least one license agreement;

means for enabling a computer to access a database comprising information representative of at least one payment each associated with one or more of said at least one license agreement; and

means for enabling a computer to enable processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one license agreement; (c) said at least one royalty statement; and (d) at least one payment.

40. A method of managing intellectual property (IP) related transactions, comprising the steps of:

(1) enabling a user to enter information representative of at least one IP asset;

(2) enabling a user to enter information representative of at least one license agreement each associated with one or more of said at least one IP asset; and

(3) enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, and (b) said at least one license agreement.

41. The method of claim 40, further comprising the steps of:

(4) enabling a user to enter information representative of at least one royalty statement each associated with one or more of said at least one license agreement;

(5) enabling a user to enter information representative of at least one payment each associated with one or more of said at least one license agreement; and

(6) enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one license agreement, (c) said at least one royalty statement, and (d) said at least one payment.

42. A system for managing intellectual property (IP) related transactions, comprising:

means for enabling a user to enter information representative of at least one IP asset;

means for enabling a user to enter information representative of at least one license agreement each associated with one or more of said at least one IP asset; and

means for enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, and (b) said at least one license agreement.

43. The system of claim 42, further comprising:

means for enabling a user to enter information representative of at least one royalty statement each associated with one or more of said at least one license agreement;

means for enabling a user to enter information representative of at least one payment each associated with one or more of said at least one license agreement; and

means for enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one license agreement, (c) said at least one royalty statement, and (d) said at least one payment.

44. A computer program product comprising control logic stored in a computer useable medium, said control logic comprising:

means for enabling a computer to enable a user to enter information representative of at least one IP asset;

means for enabling a user to enter information representative of at least one license agreement each associated with one or more of said at least one IP asset; and

means for enabling processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, and (b) said at least one license agreement.

45. The computer program product of claim 44, wherein said control logic further comprises:

means for enabling a computer to enable a user to enter information representative of at least one royalty statement each associated with one or more of said at least one license agreement;

means for enabling a computer to enable a user to enter information representative of at least one payment each associated with one or more of said at least one license agreement; and

means for enabling a computer to enable processing of, in a manner specified by a user command, information representative of at least one of: (a) said at least one IP asset, (b) said at least one license agreement, (c) said at least one royalty statement, and (d) said at least one payment.

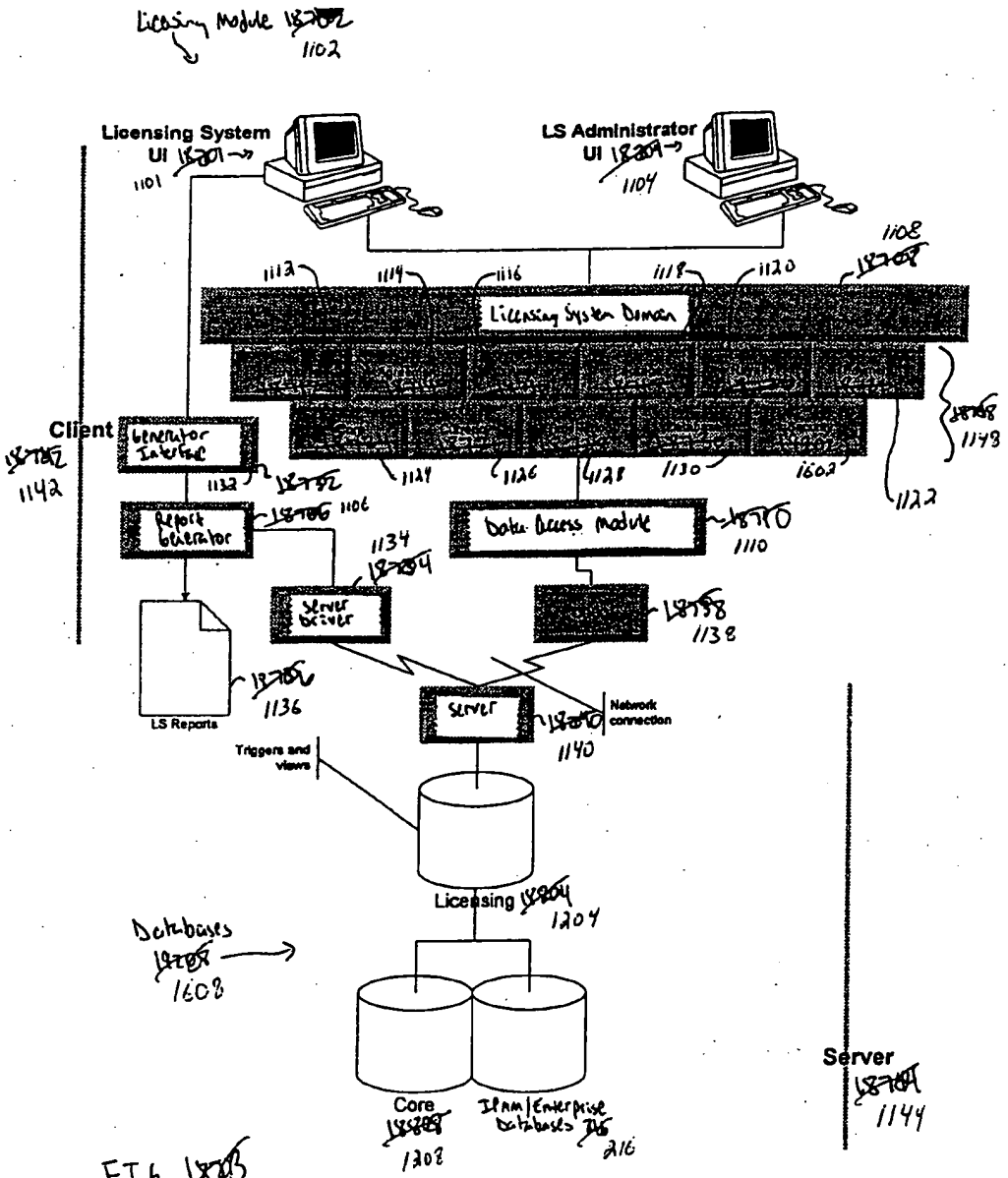

Licensing Module
1102
Licensing System UI
1101
LS Administrator UI
1104
1108
1113
1114
1116
1118
1120
Licensing System Domain
Client
Generator Interface
1142
1132
1124
1126
1128
1130
1602
1148
1122
Report Generator
1106
Data Access module
1110
1134
Server Driver
1138
LS Reports
1136
Server
Network connection
1140
Triggers and views
Licensing
1204
Databases
1608
Core
1208
IFAM/Enterprise Databases
216
Server
1144

FIG. 11B